

### REMARKS

By this Amendment, claims 5 and 10-12 are amended. Thus, claims 5 and 10-12 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

An Information Disclosure Statement was filed on May 11, 2006 to make the Akiyama et al. (U.S. 6,411,575) reference cited by the Examiner in related co-pending U.S. application Serial No. 10/629,835 of record in the present application. The Applicants respectfully request the Examiner to consider this reference and to return an Examiner-initialed copy of the May 11, 2006 Form PTO-1449 to indicate consideration of this reference.

In item 2 on page 2 of the Office Action, claims 5 and 10-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Examiner asserted that the limitation “standard recording pulse [parameters]” recited in claims 5 and 10 is indefinite because these claims do not define what constitutes a “standard pulse.”

Claims 5 and 10 have each been amended to remove the term “standard” before the limitation “recording pulse parameters.” Accordingly, the Applicants respectfully submit that by removing the term “standard,” the asserted indefiniteness of claims 5 and 10 has been overcome. The Applicants respectfully submit that claims 5 and 10, as well as claims 11-12 which depend therefrom, each particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Therefore, the Applicants respectfully request the Examiner to withdraw the rejection of claims 5 and 10-12 under 35 U.S.C. § 112, second paragraph.

It is noted that the “correction device” newly recited in amended claim 10 is supported, for example, in lines 17-21 on page 21 of the specification and by the “recording pulse correcting means 24” illustrated in Figure 1.

In items 4 and 6 on page 3 and 6 of the Office Action, claims 5 and 10-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Spruit et al. (U.S. 5,617,399, hereinafter “Spruit”). This rejection is respectfully traversed for the following reasons.

Generally, a recording pulse can be controlled from two different aspects, where one is the control of a pulse position in the time domain, and the other is the control of a pulse amplitude to change a write intensity.

Spruit discloses that a recording pulse is controlled by a write intensity E which is a value of a radiation beam 15 that is focused on a recording layer 6. In particular, Spruit discloses a method for determining an optimal value for the write intensity E of the value of the radiation beam 15 (see Column 1, lines 25-56 and Column 7, lines 14-45). However, the method of determining an optimal write intensity E according to Spruit does not even contemplate using recording pulse position information.

In stark contrast to Spruit, the present invention, as recited by claims 5 and 10-12, controls a recording position by pulse position. In particular, the present invention provides the following advantageous features:

- (a) the selecting of the recording pulse position information based on jitter, and
- (b) the storing of the recording pulse information by using a mark length and space length.

Feature (a) of the present invention provides the following advantage. According to the present invention, the recording pulse information is used for controlling the recording pulse. For controlling the recording pulse position, the pulse rising edge and/or the pulse falling edge can be appropriately adjusted. Thus, the present invention accomplishes a precise control of a recording pulse. In contrast to the present invention, Spruit only adjusts the value of the radiation beam 15 for controlling the write intensity E.

Feature (b) of the present invention provides the following advantage. According to the present invention, the spaces between the recording marks are controlled, in addition to the marks. Therefore, the present invention achieves a precise and sophisticated control of a recording pulse. In contrast, Spruit only adjusts the value of the radiation beam 15 for controlling the write intensity E, and does not even contemplate the space between marks (see Column 2, lines 50-51).

Claims 5 and 10-12 recite the above-described features of the present invention. In particular, claims 5 and 10-12 each recite that a recording pulse parameter for an optical disc is determined by using recording pulse position information for plural

possible mark length and space length combinations. The operations of claims 5 and 11 and the structural components of the apparatuses of claims 10 and 12 each perform operations based on recording pulse position information. Furthermore, the apparatuses of claims 10 and 12 are each recited as comprising a storing unit for storing the recording pulse position information for each of a plurality of mark length and space length combinations.

In view of the fact that Spruit does not even contemplate using recording pulse position information for plural possible mark length and space length combination, the Applicants respectfully submit that Spruit clearly does not disclose or suggest each and every limitation of claims 5 and 10-12.

Accordingly, claims 5 and 10-12 are clearly not anticipated by Spruit since Spruit fails to disclose or suggest each and every limitation of claims 5 and 10-12.

Furthermore, in view of the marked differences between the inventions of claims 5 and 10-12 and Spruit, the Applicants respectfully submit that one skilled in the art would not have been motivated to modify Spruit in such a manner as to result in, or otherwise render obvious, the inventions of claims 5 and 10-12.

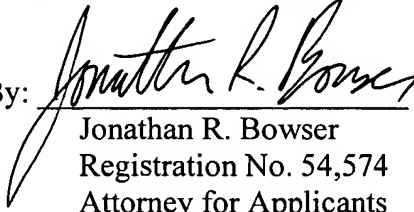
Therefore, it is submitted that the claims 5 and 10-12 are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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